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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,537	01/29/2004	Greg Smith	ELTE 02842 PTUS	5367
32233	7590	05/09/2005	EXAMINER	
STORM L.L.P. BANK OF AMERICA PLAZA 901 MAIN STREET, SUITE 7100 DALLAS, TX 75202			DANG, HUNG XUAN	
			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

8M

**Office Action Summary**

Application No.

10/767,537

Applicant(s)

SMITH, GREG

Examiner

Hung X. Dang

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b):

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 5-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 9-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. The amendment filed on 2/25/05 has been entered.

### **Claims Objection**

2. Claims 9-12 are objected to as being dependent upon a canceled claim 3.

### **Claims Rejection Under 35 USC - 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5-8 and 13-15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Ng** (6,474,810).

Ng discloses bridge for attaching auxiliary lenses which comprises a primary lens assembly 32 comprising a primary bridge 34 attached between primary lenses, an auxiliary lens assembly comprising 20, an auxiliary bridge 60 attached between auxiliary lenses 50, and the flange 36 on the front of the primary bridge, the auxiliary bridge 60 having an expandable clip (upper projection 62 and lower projection 64); and, whereas the clip of the auxiliary bridge 60 is expandable to engage the bridge of the primary bridge 34, further comprising: a leg portion 44 attached to each primary lens; a flange 36 on the front of the primary bridge 34, and whereas the clip is expandable onto the flange whereas the flange 36 is locatable in the clip in a complimentary fit of their

respective cross-sectional perimeters, a protrusion 66 located on the auxiliary bridge, whereas the projection is a spherical segment, a projection 66 located on the auxiliary bridge, a complementary relief 40 located on the flange 36, whereas the protrusion 66 is locatable in the relief 40 when the clip is located on the flange.

### **Response To Applicant's Argument**

4. Applicant's arguments filed 2/25/05 have been fully considered but they are not persuasive.

Applicant argued that " By having a complimentary fit ....In order words, the present invention of Claim 1 provides both horizontal and vertical support forces which Ng does not provide. The combination of these two forces, thus, decreases the likelihood of disengagement of when either horizontal or vertical separating forces are applied during usage." This argument is not persuasive because figures 1-4 of Ng (6,474,810) show that protrusions 66 is locatable in a relief 40 (vertical surface) and the upper and lower projections 62 and 64 being complimentary fit over the upper and the lower flange 36 respectively (horizontal surface). Ng (6,474,810) teaches that both horizontal and vertical support forces. Therefore, the claimed invention does not distinguish over the Ng (6,474,810).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2873

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

3. Any inquiry concerning this communication should be directed to Examiner Dang at telephone number (571) 272-2326.

9/05

  
HUNG DANG

PRIMARY EXAMINER

TC 2800